



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,097	06/01/2001	Xin Xin	TE2-089	3141
21567	7590	12/12/2003	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			HYEON, HAE M	
			ART UNIT	PAPER NUMBER
			2839	

DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AM

<b>Office Action Summary</b>	<b>Application No.</b> 09/873,097	<b>Applicant(s)</b> XIN ET AL.	
	<b>Examiner</b> Hae M Hyeon	<b>Art Unit</b> 2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6 and 8-13 is/are rejected.
- 7) ☒ Claim(s) 4 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghandeharizadeh et al (5,490,229) in view of Vidacovich et al (5,402,515).

Ghandeharizadeh discloses a fiber optic tray system comprising a tray framework 20 having a plurality of fiber optic adapters 35 mounted longitudinally and recessed from a front end 38 of the framework 20. The adapters 35 are recessed from the front end of the framework 20 such that fiber optic cables 36 attached to the adapters 35 are housed within the front end 38 while maintaining a pre-determined minimum bend radius in the cables 36. The framework 20 is a tray chassis slidably mounted within a cabinet 10. The framework 20 also includes a front cable guard 43 movably attached to the tray framework 20 proximate the front end 38. However, the tray framework 20 of Ghandeharizadeh does not have optical fiber splitters. Instead, the tray framework 20 of Ghandeharizadeh includes splice tray 30.

Vidacovich discloses a fiber optic tray system that can have one or more accessories such as splices, couplers, splitters, etc. Therefore, Vidacovich teaches that the use of splitter over splice only deals with the use of one accessory over the other for the desired function.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the tray framework taught by Ghandeharizadeh such that it

Art Unit: 2839

would have a splitter as taught by Vidacovich because it only deals with the use of one accessory over the other for the desired function.

In regarding to claim 5, Ghandeharizadeh only describes the tray framework having an optical fiber adapter 35 without explaining a type of adapter. However, Ghandeharizadeh can be monitor adapter because it is a common knowledge that many different types of the optical fiber adapters exist.

In regarding to claim 8-13, they only recite different number of splitters mounted on the tray framework, which only deals with a duplication of parts. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ghandeharizadeh et al and Vidacovich et al as applied to claims 1-3, 5 and 8-13 above, and further in view of Larson et al (5,530,954).

Claim 6 recites that the monitor adapters are accessed from through the front end of the tray framework without sliding the tray outward.

The tray framework of Ghandeharizadeh cannot access the adapters without sliding the tray outward because the front end of the tray framework has a fixed wall. However, Vidacovich discloses a tray framework having a plurality of fiber optic adapters mounted recessed from a front end of the framework and a cover 30 pivotally mounted at the front end. The cover is pivotable either upward or downward to enable the telecommunication worker to gain ready access to the interior of the tray framework 20. Therefore, the adapters can be accessed without sliding the tray outward.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the tray framework taught by Ghandeharizadeh such that it would have a cover pivotable either upward or downward at a front end of the tray framework as taught by Larson because a telecommunication worker can gain access to the interior of the tray framework without sliding the tray outward.

*Allowable Subject Matter*

4. Claims 14 and 15 are allowed.
5. Claims 4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is an examiner's statement of reasons for allowance: In combination with all the limitations recited in the independent claim, all the prior arts do not show a fiber optic cable routing system comprising a first fiber optic cable passageway being further away from a first and the second fiber optic adapters, and a second fiber optic cable going to a second or closest passageway, thereby causing a crossing of the fiber optic cable as shown in Figure 5 of the instant invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Response to Arguments*

7. Applicant's arguments filed October 20, 2003 have been fully considered but they are not persuasive. The applicant argues that the Ghandeharizadeh '229 reference provides the exit for the fiber optic cable out the front and down to a different vertical level, which is a different application because the present invention routes the fiber optic cables to the rear of the tray framework on the same horizontal level for better cable management. The examiner agrees with the applicant, but the claim languages do not support the applicant's argument. Furthermore, the applicant argues that the Vidacovich '515 reference cannot be combined with the Ghandeharizadeh '229 reference to achieve the instant invention because the Vidacovich '515 reference is a pivoting tray that completely opens up. It seems that the applicant misunderstood the examiner's intention of citing the Vidacovich '515 reference. The examiner is not trying to combine the tray frameworks of Ghandeharizadeh and Vidacovich to form an entirely new tray framework. The examiner is simply trying to show one element on the tray framework of Ghandeharizadeh can be replaced with a different element. While claim 1 recites the tray framework having **optical fiber splitters**, the tray framework 20 of Ghandeharizadeh includes **splice tray 30**. The Vidacovich '515 reference discloses a fiber optic tray system that can have one or more accessories such as **splices, couplers, splitters, etc.** Therefore, Vidacovich teaches that the use of splitter over splice only deals with the use of one accessory over the other for the desired function. Thus, replacing the splice tray 30 of Ghandeharizadeh with the splitters only deals with replacing one accessory with another accessory as taught by Vidacovich. In conclusion, the examiner believes the rejection of claims 1-3, 5 and 8-13 over Ghandeharizadeh in view of Vidacovich is proper.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hae M Hyeon whose telephone number is 703-308-4802. The examiner can normally be reached on Mon.-Fri. (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D Feild can be reached on 703-308-2710. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Art Unit: 2839

**Any response to this action may be mailed to:**

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

For additional information regarding this new address, which was effective May 1, 2003, *see Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

**Or Faxed to:**

(703) 308-7722 or 308-7724

(Informal or draft communications should be clearly labeled "PROPOSED" or "DRAFT")

**Hand-delivered responses** should be brought to:

Crystal Plaza 4, Fourth Floor (Receptionist)

2201 South Clark Place, Arlington, Virginia.

Hae M Hyeon

Examiner

Art Unit 2839

hnh

*hnh*

*Hae Moon Hyeon*